

REMARKS

Applicant has carefully reviewed the Official Action dated October 20, 2009, placing this patent application under final rejection.

Enclosed is a Request For Continued Examination (RCE) together with the applicable fee for filing the RCE.

In the Official Action, claims 1-2 and 4-20 were rejected under 35 U.S.C. Section 103(a) as being obvious over a combination of US Patent No. 3,070,235 (Manzardo) and US Patent No. 5,451,102 (Chuan). At page 5, paragraph 3 of the Official Action, claims 1-9 and 11-20 have been rejected as being obvious over the Hsu patent (US Patent No. 6,474,759), and at page 8, paragraph 4 of the Official Action, claim 10 has been rejected as being obvious over a combination of US Patent No. 6,474,759 and US Patent No. 3,070,235. For the reasons to be discussed below, Applicant respectfully submits that the claims, as amended herein, are allowable over the prior art references applied in the Official Action.

Independent Claim 1 has been amended to recite the feature of the invention in which "the side walls and the door consist of out-to-length extruded profiles". This feature of the invention is supported by the original disclosure, as, for example, at page 2, lines 5-7 of the

original Specification, and original PCT claim 12 which constitutes original disclosure to this patent application.

Claim 6, which has now been presented in independent form, recites the feature of the invention in which “studs (26) and recesses (27) on the upper and lower edges of the segments (22) configured to form together with the guide grooves (18, 19) a rigid rear wall (22).” This feature of the invention is supported by the original disclosure, at, for example, page 2, lines 23-25 of the original Specification.

New independent claim 21 includes the feature of the invention in which the guide grooves (18, 19) are engaged behind the webs (20, 21). This feature of the invention is illustrated in the original drawing, and the Specification has been revised to recite this feature of the invention to provide express support for independent claim 21. Since the original drawing constitutes original disclosure to this patent application, the Specification can be amended to describe features of the invention illustrated in the original drawings without adding new matter to this patent application.

At page 8, paragraph 5 of the Official Action, the Examiner states that the recitation that the rear wall of the housing is provided with “key-hanging means” does not impart any structural attributes as presently set forth in the claim. Applicant respectfully disagrees with the

Examiner's conclusion. The limitation that the rear wall is provided with "key-hanging means" appears in independent claims 1, 6, and 21 as presented herein. Contrary to the Examiner's position, the "key-hanging means" provides structure for hanging keys, and thus clearly comprises structural attributes. Applicant notes that 35 U.S.C. Section 112, sixth paragraph, provides for structure to be recited in a "means plus function" format, which covers the corresponding structure and all equivalents thereof. Thus, "key-hanging means", as recited in independent claims 1, 6, and 21, constitutes a structural limitation, which is entitled to full consideration in the patentability determination.

At page 6, lines 15-21 of the Official Action, the Examiner contends that use of extruded profiles would be obvious in view of the Hsu patent. Contrary to the Examiner's position, Applicant respectfully submits that none of the prior art references cited in the Official Action provide any suggestion or motivation for using extruded profiles for the side walls and door of a key box. In fact, the Official Action, at page 6, concedes that the primary reference, the Hsu patent, does not teach the use of extruded aluminum profiles. Thus, none of the cited references recognizes the advantages of considerable reduction of manufacturing costs by forming the side walls and the door from aluminum extruded profiles, as disclosed and claimed by Applicant. The Examiner's position that the modification of Hsu patent is "an obvious matter of personal preference" (page 6 of the Official Action) is conclusory in nature, and not supported by the prior art of record or any other evidence.

Applicant respectfully submits that when each of independent claims 1, 6, and 21 are considered as a whole and when all positively recited features of the claims are considered in the patentability determination, there is clearly no suggestion or motivation in the prior art itself, or within the common knowledge of a person of ordinary skill in the relevant art, to modify and/or combine any of the applied prior art references in any manner rendering the key boxes defined by independent claims 1, 6, and 21 obvious.

Applicant respectfully submits that independent claims 1, 6, and 21 are in condition for allowance. The remaining dependent claims, each of which depends directly or indirectly from independent claim 1 and includes all features of that claim, are allowable, at least for the same reasons as parent independent claim 1.

No additional fee for the newly added independent claims is enclosed since the cost of the presently pending claims is covered by the original filing fee paid for this patent application.

Applicant respectfully submits that the present patent application is in condition for allowance, and favorable action is respectfully requested.

Respectfully submitted,



Mark P. Stone
Registration No. 27, 954
Attorney for Applicant
50 Broadway
Hawthorne, NY 10532
914-769-1106